

Remarks

Claim 1 is amended to clarify the aspects of the invention involving the establishment of an internet voice call and to clarify the invention as utilizing two types of data connections. Specifically, the Claim 1 recites that in response to the receipt of caller ID information, a called device initiates a second data connection through a data network (such as the PSTN). Support for the initiation of a second connection is found in the specification on page 8, lines 11-16, and in other places.

Claim 3 is amended in a manner similar to Claim 1, except ringing patterns are used instead of caller ID information as the information that is used to communicate with a called device to initiate a second connection to an IP network. Support for the amendment is found in the specification on page 8, lines 11-16, and in other places.

Claim 5 is amended in a manner similar Claims 1 and 3, as to recite the creation of two data connections, where one of the data connections is initiated by a called device. Support for the amendment is found in the specification on page 8, lines 11-16, and in other places.

No new matter was added in view of these amendments.

I. 35 U.S.C. 112 Rejection of Claims 1-4 and 7-9

The Examiner rejected Claims 1-4 and 7-9 under 35 U.S.C. 112, second paragraph as being indefinite.

With the amendments made above to Claims 1 and 3, the Applicants have attempted to eliminate the rejection. Specifically, instead of reciting "connection to the called device" the specific action of "establishing said internet voice call" is claimed in Claim 1, because such a call cannot be established until a calling device and a called device are connected to some type of data network. The same rationale applies to Claim 3 regarding the establishment of an IP voice call.

Applicants either request that the Examiner remove the rejection to Claims 1-4 and 7-9 or suggest claim language that can be incorporated by the Applicants to overcome such a rejection.

I. 35 U.S.C. 102 Rejection of Claims 1-5 and 7-2

The Examiner rejected Claims 1-5 and 7-12 under 35 U.S.C. 102(e) as being anticipated by Oyama et al. (U.S. Patent # 6,108,329, hereafter referred to as 'Oyama'). Applicants disagree with this ground of rejection.

Claim 1 claims the following elements:

"determining whether the called device is already connected to the internet" and

"initiating a PSTN telephone call with associated caller ID information to the called device, if the called device is not already connected to the internet".

These claimed steps are neither disclosed nor suggested in Oyama.

The Examiner in the Final Rejection states that such an operation is implicit within the operation of Oyama because "Oyama discloses the claimed limitation because it has already determined that the device not already connected to the Internet since no PPP connection is found in the database," (Final Office action, page 7, paragraph 2).

Applicants disagree with this conclusion. The purpose of information in Fig. 4 of DB1 is to determine the type of connection format that is used to connect to a user (such as PPP or Direct IP). The phone number recited for the entry for "Phone Number for PPP" indicates the phone number that a server such as S1 has to call in order to establish a PPP call with a called device (as T2). This type of information does not indicate the status of a called device, as suggested by the Examiner, in the Office Action.

In addition, Applicants note that the reference discloses for computers that use PPP based connections, "The internet requires an IP address to specify a destination terminal. In this case, the destination terminal T2 to be connected by PPP is normally disconnected from the computer network NET1, and cannot be accessed to through an IP address. Therefore, the data base DB1 is used," (Oyama, col. 5, lines 6-11, emphasis added). Hence, the invention assumes a priori that a computer using a PPP connection will be disconnected from the Internet, which then necessitates that use of DB1. There is no disclosure or suggestion that a decision step is made (as related by the Examiner) which determines whether called device (such as a PPP connection device) is either connected or disconnected from the Internet.

In addition, Applicants assert that Oyama neither discloses nor suggests the use of two connections in the establishment of an Internet voice call. Specifically, Oyama discloses that a server S1 which calls a destination terminal

T2 to establish a PPP based connection (Oyama, col. 5, lines 35-41, col. 7, lines 3-6). T2 then connects to the Server (S1) forming only one connection. In contrast, once a called device is called over a PSTN (forming one connection) which reveals called ID information to the called device, the called device will initiate a second connection as to establish an Internet voice call.

The use of two connections, as claimed in Claim 1, is not disclosed or suggested in Oyama. The ability to establish a second data connection provides the called device flexibility in terms of how to connect to the Internet. The teachings of Oyama only provide one way for a called device to connect to the Internet, by picking up the telephone call made over the PSTN by a server S1.

The usage of two connections or two data connections (as recited in Claims 3 and 5) is neither disclosed nor suggested in Oyama, for the same reasons give above for Claim 1.

Hence for the reasons give above, Applicants assert that Claims 1, 3, and 5 are patentable. In addition, Applicants assert that Claims 2, 7-9, and Claims 4, 10-12 are patentable as such claims depend on Claims 1 and 3, respectively.

Applicants are requesting a three-month extension to file this response and a Request for Continuing Examination. The fees for both of these papers are to be charged to Deposit Account 07-0832. Any other fees owed in connection with this action are to be charged to this deposit account, as well.

If any other issues are to be raised concerning the patentability of the status of this application, the Examiner is encouraged to call the Applicants' attorney at 609-734-6809.

Respectfully submitted,



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